

19900123

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JANUARY 23, 1990  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Wolfsheimer at 10:50 a.m. The meeting was recessed by Deputy Mayor Wolfsheimer at 12:20 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Wolfsheimer at 2:15 p.m. with Council Members Hartley, McCarty, Filner and Mayor O'Connor not present. Deputy Mayor Wolfsheimer recessed the regular Council meeting at 2:17 p.m. to convene the San Diego Housing Authority.

Deputy Mayor Wolfsheimer reconvened the regular Council meeting at 2:18 p.m. with Mayor O'Connor not present. Deputy Mayor Wolfsheimer recessed the Council meeting at 4:10 p.m. to convene the Redevelopment Agency. Deputy Mayor Wolfsheimer reconvened the regular Council meeting at 4:11 p.m. with Council Member Henderson and Mayor O'Connor not present. Deputy Mayor Wolfsheimer adjourned the meeting at 4:35 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-275073  
(attend U.S. Conference of Mayors meeting  
and conduct official City business in USSR  
regarding cultural exchange)
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

Clerk-Abdelnour (eb, rb)

FILE LOCATION: MINUTES

Jan-23-1990

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-207: (R-90-1092 Rev.1) ADOPTED AS AMENDED AS RESOLUTION  
R-275038

19900123

Consideration of the following nominees for appointment by  
the Council to fill two vacancies on the San Diego Unified  
Port District Board of Commissioners:

NOMINEE	NOMINATED BY
Lynn Schenk	Councilmember Wolfsheimer
Joseph S. Francis	Councilmember Hartley
Clifford W. Graves	Councilmember Wes Pratt
Paul A. Peterson	Councilmember Henderson
William E. Cleator	Councilmember Henderson
Daniel L. Guevara	Councilmember Filner

Adoption of a Resolution appointing two of the nominees to  
serve as members of the San Diego Unified Port District  
Board of Commissioners, effective February 7, 1990, to fill  
the remainder of the terms to expire January 2, 1991 and  
January 3, 1993, respectively.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B010-C065, D170-F132.)

Motion by Henderson to continue to February 5, 1990, at the Mayor's request and refer to Rules Committee to discuss the election of Port Commissioners by citizens as opposed to being appointed, proposed changes to the Port Act which would affect the relationship between the Port and the cities, two-year terms for Port Commissioners, and establishing a conflict of interest code. Second by McCarty. Failed by the following vote:

Yeas-2,5,6,7. Nays-1,3,4,8. Not present-Mayor O'Connor.

By common consent the names of John Carlson, nominated by Council Member McCarty, and John Davies, nominated by Council Member Roberts, were added to the list of nominees.

Motion by Bernhardt to refer the items in Mayor O'Connor's memo (regarding the recommendation to change the terms from four years to two years) to the Rules Committee. Second by Filner.

Passed. Yeas: 1,2,3,4,5,6,7,8. Not present: Mayor O'Connor.

The first ballot was taken and Clerk Abdelnour announced the tally for Round 1: Cleator-1, Francis-2, Graves-4, Guevara-1, Peterson-3, Schenk-4, Carlson-1.

The second ballot was taken and Clerk Abdelnour announced the tally for Round 2: Cleator-1, Francis-3, Graves-5, Guevara-1, Peterson-1, Schenk-5, Carlson-0.

**MOTION BY BERNHARDT TO REFER THE QUESTION OF THE APPOINTEES' TERMS TO THE RULES COMMITTEE TO DISCUSS AT THE NEXT AVAILABLE MEETING; AND TO ACCEPT COUNCIL MEMBER FILNER'S AMENDMENT TO SEAT THE APPOINTEES, CLIFFORD W. GRAVES AND LYNN SCHENK, EFFECTIVE FEBRUARY 8, 1990, EVEN THOUGH THEIR TERMS WILL BE DECIDED LATER.**

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-310: (R-90-1022) ADOPTED AS RESOLUTION R-275034

Authorizing Suggestion Awards and making a presentation to the following City employees:

Jeffrey Jacobson - City Treasurer - \$853.26

William Wehrung III - Fire Department - \$500.

Lawrence Hamilton - City Attorney - \$500.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A047-079.)

BY COMMON CONSENT THE RESOLUTION WAS ADOPTED. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-330: (R-90-1157) ADOPTED AS RESOLUTION R-275035 GRANTING APPEAL DENYING VARIANCE

Appeal of the request of "Citizens for Safety" by Jeffrey R. Stoke, Esq., from the decision of the Board of Zoning Appeals in granting a variance to operate an adult entertainment establishment/theater and cabaret, "Pure Platinum of California, Inc.", located approximately ninety (90) feet from a residential zone where a distance of one-thousand (1,000) feet is required. The subject property is located at 2828 Camino del Rio South and is more particularly described as Parcel 2 of Parcel Map PM-6040 being a division of Pueblo Lot 1110, Map-36, and portions of Lots 5, 6, 7, and 8 of Zshockfelts Subdivision, Map-875 in Zone CR of the Mission Valley Community Plan area.

(Case CUP-20348. District-5.)

Adoption of a Resolution granting or denying the appeal and granting or denying the variance with appropriate findings to support Council action.

FILE LOCATION: ZONE - Zoning Appeals Case CUP-20348

COUNCIL ACTION: (Tape location: A085-114, A131-539.)

Testimony by Robert Rose requesting a continuance at the request of Mr. Kaplan.

Motion by Bernhardt to continue the Item at the request of Mr. Kaplan. No second.

Testimony in opposition of a continuance by Brian Frasch.

Council Member Bernhardt withdrew the motion to continue the Item.

Hearing began 11:01 a.m. and halted 11:30 a.m.

Testimony in favor by Brian Frasch, Janice Martinelli, Jim Allen, Estelle Baldwin, Paul Cleary, Susan Nikolai, and Susan Stratton.

Testimony in opposition by Robert Rose.

The hearing was closed.

MOTION BY BERNHARDT TO ADOPT RESOLUTION GRANTING THE APPEAL AND

DENYING THE VARIANCE BASED ON THE BELIEF THAT THE PROPER FACTUAL FOUNDATION HAS NOT BEEN ESTABLISHED, MANDATORY LEGAL FINDINGS IN SUPPORT OF THE VARIANCE HAVE NOT BEEN MADE AND CANNOT BE MADE, THE PROPOSED USE IS CLEARLY DETRIMENTAL TO THE SURROUNDING COMMUNITY, AND THE PROPERTY SHOWS NO SPECIAL CIRCUMSTANCE OR CONDITIONS. Second by Henderson. Passed by the following vote:  
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,  
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor  
O'Connor-not present.

ITEM-331: CONTINUED TO MARCH 27, 1990, 10:00 A.M.

(Continued from the meetings of November 21, 1989, Item 331, and December 12, 1989, Item 333; last continued at Council Member Pratt's request, for further review.)  
Appeal of Earl S. Edwards/C & E Liquor, from the decision of the Planning Commission in denying Planned Commercial Development/Conditional Use Permit PCD/CUP-88-1110, to construct a planned commercial development consisting of a liquor store and barber shop totaling 2,336 square feet, with associated landscaping and on-site parking for 13 vehicles, and to obtain a conditional use permit for the sale of alcoholic beverages. The subject property is located at the southwest corner of the intersection of Skyline and Meadowbrook Drives, and is further described as Lot 1 of Highland Park Estates Unit 1, Resubdivision 1, Map-5370, in Zone CN, in the Skyline-Paradise Hills Community Plan area.  
(PCD/CUP-88-1110. District-4.)

Subitem-A: (R-90- )

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-1110 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-90- )

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: Subitems A and B PERM PCD/CUP-88-1110

COUNCIL ACTION: (Tape location: A539-590.)

MOTION BY PRATT TO CONTINUE TO MARCH 27, 1990, 10:00 A.M. AT HIS REQUEST FOR FURTHER REVIEW. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-332: (R-90-926) FILED

(R-90-926 Rev. 1) ADOPTED AS RESOLUTION R-275039,  
DENYING THE NAME CHANGE

(Continued from the meeting of January 9, 1990, Item 331, at the request of the applicant, to allow the Attorney to be present.)

Changing the name of Frazee Road, located north and south of Friars Road, to Sunroad Boulevard; declaring that the signage shall indicate both the old street name and the new street name for a period of one year following the adoption date of this resolution, for the convenience of the general public; authorizing the installation and removal of the necessary signs and markings.

(Mission Valley Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The applicants have submitted a request to change the street name of Frazee Road to Sunroad Boulevard. Frazee Road traverses in a north/south direction and is 80 percent improved north of Friars Road and unimproved south of Friars Road. The applicants sent letters to the adjacent property owners requesting support of the name change and further requested that the letters be returned with a

response to the proposal. Those letters which were returned were then submitted as the petition. There are 14 properties which have street frontage adjacent to Frazee Road. Ten of those properties are considered affected. It is noted here that an affected property is one that has an address change resulting from the name change. The submitted petition includes replies and signatures from only seven of the adjacent properties, of which one is from a non-affected property owner. The tenants of the owners were also included and have sided with their respective lessors. The responses have been consolidated on the basis of one vote per affected property. The following results are based on percentages of the ten affected properties (ownerships) involved:

Affected Properties/In Favor:	5 (26 tenants)	55 percent
Affected Properties/Against:	4 (2 tenants)	45 percent

Affected Properties - Total: 9 100 percent  
Staff recommended approval at the Planning Commission hearing of May 9, 1989. However, due to the testimony and hardships presented at the hearing, the Planning Commission denied the request by a 6-0 vote.

FILE LOCATION: DEED F-5156 DEED FY90-1

COUNCIL ACTION: (Tape location: F456-G101.)  
MOTION BY BERNHARDT TO DENY THE NAME CHANGE. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-333:

Two actions relative to the paving and otherwise improving of Project First Class Alley and Sewer Main Replacement - Contract No. 3 (1911 Street Improvement Act):  
(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-90-938) ADOPTED AS RESOLUTION R-275040

Considering the protests and confirming the assessment in the matter of paving and otherwise improving Project First Class Alley and Sewer Main Replacement - Contract No. 3 on Assessment Roll No. 4032, under Resolution of Intention R-270387, adopted February 22, 1988.

Subitem-B: (R-90-939) ADOPTED AS RESOLUTION R-275041

Authorizing the expenditure of an amount not to exceed \$82,822.46 from Fund 18523, Dept. 5633, Org. 3303 (CDBG funds), solely and exclusively for the purpose of making a contribution to the Assessment District and for paying assessments for eligible property owners.

CITY MANAGER SUPPORTING INFORMATION: On November 21, 1988, Council awarded a contract for the improvement of five alleys in the Project First Class area in accordance with the Council adopted CDBG assessment district cost sharing program. Construction is now complete, and the assessments must be levied. CDBG funds will be used to pay the costs that are assessed to owner-occupied properties where the owner meets HUD income guidelines. Where property owners do not satisfy both

conditions, the assessment remains, and may be paid over a ten year period. Each property owner has been sent information regarding the remaining cost assessable to their property, an eligibility form for CDBG funding, and a notice of today's hearing. The final amount assessed to the district is 9 percent lower than the amount noticed to the public hearing, with the exception of one alley where the assessment was increased 10 percent due to the contract change order. This change order consisted of the reconstruction of the southerly alley apron which turned out to be too deteriorated to leave in place. Current information indicates that 43 out of 89 property owners satisfy the residency requirements. Information gained from the eligibility forms will determine which owners also satisfy the income requirements. In order to facilitate the timely discharge of assessments, it is proposed that CDBG funds equal to the assessments against all owner-occupied parcels be authorized. All unused funds will be returned to the CDBG fund. Aud. Cert. 9000549.

FILE LOCATION: STRT - D2272

COUNCIL ACTION: (Tape location: G102-142.)

Hearing began at 4:29 p.m. and halted at 4:32 p.m.

Testimony by Ms. Veel.

MOTION BY PRATT TO CONFIRM THE ASSESSMENT AND TO AUTHORIZE THE EXPENDITURE OF CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) FUNDS FOR THE PROJECT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-334: CONTINUED TO FEBRUARY 13, 1990, AT 10:00 A.M.

(Continued from the meetings of September 26, 1989, Item 335 and November 21, 1989, Item 341; last continued at Council Member Henderson's request, directing the Planning Department to hold a hearing regarding applying CPIOZ to the Diane Shopping Center portion of the project.) Rezoning the 7.33-acre Diane Shopping Center from Zone CA (regional shopping center) to either CN (neighborhood shopping center), or CA with a Community Plan Implementation Overlay Zone; and designating the site as Neighborhood Commercial in the community plan. The site is presently developed with a retail shopping



center. The rezoning is proposed as part of the implementation of the Clairemont Mesa Community Plan, adopted September 26, 1989, and is intended to ensure that future development on the site will be compatible with surrounding residential development. If the Community Plan Implementation Overlay Zone is applied, the regulations of that Overlay Zone may address use, design compatibility, and special regulations.

The subject property is located on the north side of Clairemont Mesa Boulevard, west of Diane Avenue, in the Clairemont Mesa Community Plan area, and is further described as Diane Village, Map-5855; Diane Center, Map-4513; and a resubdivision of Diane Center, Lot 2, Map-6325.

(Districts-6.)

Subitem-A: (O-90-79)

Introduction of an Ordinance for CN Zoning.

Subitem-B: (O-90-128)

Introduction of an Ordinance for CA (CPIOZ) Zoning.

Subitem-C: (R-90-1064)

Adoption of a Resolution designating the property for Neighborhood Commercial in the Clairemont Mesa Community Plan.

NOTE: Either Subitem A or Subitem B may be introduced, but not both.

FILE LOCATION: LAND - CLAIREMONT MESA COMMUNITY PLAN

COUNCIL ACTION: (Tape location: D030-052.)

MOTION BY HENDERSON TO CONTINUE THE ITEM TO TUESDAY, FEBRUARY 13, 1990 AT 10:00 A.M., AND DIRECT THE PLANNING DEPARTMENT, CITY CLERK AND CITY ATTORNEY TO EXECUTE THE NECESSARY PUBLIC NOTICE AND DRAFT ORDINANCE TO ALLOW CONSIDERATION OF CN-CPIOZ ZONING AND DELETION OF RESIDENTIAL USES FOR THE SUBJECT PROPERTY. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-335: CONTINUED TO FEBRUARY 13, 1990, 2:00 P.M. TIME CERTAIN

Appeals of Opal Trueblood, et al, from the decision of the Planning Commission in approving Planned Industrial Development, Coastal Development and Hillside Review Permits and Tentative Map, Case-88-0244 (La Jolla Pines Technology Centre), for the development of a 56.4 acre site with scientific research uses. The project site is to be divided into eight lots and allows up to 831,600 square feet of uses on the site. The subject property is located at the northeast corner of Genesee Avenue and North Torrey Pines Road, in Zone SR (Scientific Research), in the University Community Plan area, and is further described as Pueblo Lot 1323, Map-36, Parcels 1 and 2, Parcel Map PM-15048.

(Case-88-0244. District-1.)

Subitem-A: (R-90- )

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-0244 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-90- )

Adoption of a Resolution granting or denying the appeal and granting or denying the planned industrial development permit, with appropriate findings to support Council action.

Subitem-C: (R-90- )

Adoption of a Resolution granting or denying the appeal and granting or denying the coastal development/hillside review permit, with appropriate findings to support Council action.

Subitem-D: (R-90- )

Adoption of a Resolution granting or denying the appeal and granting or denying the map, with appropriate findings to support Council action.

FILE LOCATION: SUBITEM-A&B: PERM - PID-88-0244; SUBITEM-C: PERM-CUP/HRP 88-0244; SUBITEM-D: SUBD -

LA JOLLA PINES TECHNOLOGY CENTRE

COUNCIL ACTION: (Tape location: D053-119.)

MOTION BY ROBERTS TO CONTINUE THE ITEM TO FEBRUARY 13, 1990, 2:00 P.M. TIME CERTAIN, AS REQUESTED BY JAMES MILCH, IN ORDER TO RESPOND IN WRITING TO QUESTIONS FROM THE CHAIR. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-336:

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Appeal of Grosvenor Industries and Minami Investment, Inc. by Matthew A. Peterson, Attorney, from the decision of the Planning Commission in denying Conditional Use Permit CUP-89-1110 to allow the reuse of existing buildings (El Cortez Convention Center and Motel) for County of San Diego Court rooms and related office uses. The project will also be reviewed by the Council according to the provisions of the Centre City Emergency Ordinance. The subject property is located on Beech Street between Seventh and Ninth Avenues and is further described as Lots 7-12, Block 10 and Lots 4-10, Block 15, Caruther's Addition, in Zone R-400, in the Centre City Community Plan area.  
(CUP-89-1110. District-8.)

Subitem-A: (R-90-1368) ADOPTED AS RESOLUTION R-275042

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-1110 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-90-1369) ADOPTED AS RESOLUTION R-275043,  
GRANTED APPEAL, GRANTED PERMIT

Adoption of a Resolution granting or denying the appeal and

granting or denying the CUP permit, with appropriate findings to support Council action.

Subitem-C: (R-90-1370) ADOPTED AS RESOLUTION R-275044,  
GRANTED APPEAL, GRANTED PERMIT

Adoption of a Resolution granting or denying the appeal and granting or denying the Centre City Overlay Zone permit, with appropriate findings to support Council action.

FILE LOCATION: SUBITEM-A&B: PERM-CUP 89-1110; SUBITEM-C:  
PERM-CENTRE CITY PLANNED DISTRICT

COUNCIL ACTION: (Tape location: F139-381.)

Hearing began at 3:50 p.m. and halted at 4:07 p.m.

Testimony in favor by Judge Judith McConnel and Paul Peterson.

MOTION BY McCARTY TO APPROVE THE APPEAL, CERTIFY THE NEGATIVE DECLARATION, APPROVE THE OVERLAY ZONE, AND TO APPROVE THE CUP (CONDITIONAL USE PERMIT) WITH THE FOLLOWING CONDITION TO PARAGRAPH 10: "THIS FACILITY WILL BE USED PRIMARILY FOR THE TRIAL OF CIVIL CASES. THE ONLY TIME THAT THESE COURTROOMS WILL BE USED FOR CRIMINAL CASES IS WHEN THERE ARE NO OTHER COURTROOMS AVAILABLE FOR CRIMINAL CASES." IN ADDITION, TO DIRECT THE CITY MANAGER TO EXPEDITE THE ISSUANCE OF BUILDING PERMITS AND ENCROACHMENT PERMITS, AND TO ACCEPT COUNCIL MEMBER BERNHARDT'S AMENDMENT TO ADD THE CONDITION THAT THE SHUTTLE PROGRAM WILL

BE

REVIEWED IN TWO YEARS. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-337: CONTINUED TO FEBRUARY 20, 1990 AT 2:00 P.M.

Request for approval of Centre City Overlay Zone Permit (a variance) to the Centre City Overlay Zone for a curb cut on Fifth Avenue to permit on-site parking where curb cuts are not permitted and for a Resource Protection Overlay Permit because the building (Walker Scott Department Store)

is a designated historic site. The subject property is located at 1014 Fifth Avenue and is further described as Lots G and H, Block 36, Horton's Addition, Map DB13, in Central Business Zoned (CBD) site, in the Centre City Community Plan area.

(Case-89-0869. District-8.)

Subitem-A: (R-90-992)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-0869 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-90-991)

Adoption of a Resolution granting the request for permit for restoration of the former Walker Scott Department Store building including a request for a curb cut on Fifth Avenue.

FILE LOCATION: PERM - CENTRE CITY PLANNED DISTRICT

COUNCIL ACTION: (Tape location: D119-150.)

MOTION BY McCARTY TO CONTINUE THE ITEM TO FEBRUARY 20, 1990 AT 2:00 P.M., AS REQUESTED BY MIKE STEPNER, TO ALLOW SANDAG TO REVIEW THE CURB CUT UNDER SB255. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S403: (R-90-817) CONTINUED TO FEBRUARY 20, 1990

(Continued from the meetings of December 11, 1989, Item 105 and January 16, 1990, Item 200; last continued at the Assistant City Manager's request, for discussion with the

developer and City Attorney due to litigation between the City and the County concerning the approval of the Heritage Hills Project.)

Authorizing the execution of a deed conveying to Whispering Palms Community Service District an easement for sewer pipelines, mains, manholes, sewer lateral pipelines and right-of-way, in a portion of Lot 2 of Fairbanks Country Club Unit No. 1, Map-10730.

(Fairbanks Ranch Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The Whispering Palms Community Service District is now converting its area from septic tank systems to municipal sewer hook-up and requires a sewer easement over City-owned land in order to connect to the Metropolitan Sewer System. The portion of the Fairbanks Ranch Country Club sought is an easement 20 feet wide and 247.54 feet long containing 4,950 square feet. This portion of the Country Club is actually roadside setback, moderately sloping, and is considered excess property which doesn't contribute to its highest and best use of the adjacent property as developed. The Fairbanks Ranch Golf Course, which is the lessee of this property, is very much in favor of this action as it will alleviate a leaching problem that now effects the golf course operations and maintenance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A598-600.)

MOTION BY McCARTY TO CONTINUE TO FEBRUARY 20, 1990, AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S500: (R-90-891) CONTINUED TO FEBRUARY 5, 1990

(Continued from the meeting of January 16, 1990, Item 330, at Mayor O'Connor's request, to allow the City Attorney to review Council Member Bernhardt's questions concerning the addition of clearer language to Section 4A and 4B of the agreement.)

A proposal to approve an amendment to the San Diego Association of Governments (SANDAG) Joint Powers Agreement (JPA) establishing SANDAG as the Regional Planning and Growth Management Review Board proposed in Proposition C.

Adoption of a Resolution approving the amendment to the agreement.

CITY MANAGER SUPPORTING INFORMATION: In November 1988, the voters approved Proposition C, an advisory measure proposing establishment of a Regional Planning and Growth Management Review Board. The issues listed by the measure to be addressed by the Board are: quality of life standards and objectives; holding capacities; growth rate policies; growth phasing;

regional land use distribution; growth monitoring; open space preservation; significant regional arterials; transportation system management; transportation demand management; siting and financing regional facilities; consistency of regional and local plans; and regional growth management strategy.

As proposed by Proposition C, a Blue Ribbon Committee was established consisting of representatives of the cities and the County, and formulated its recommendation which would be carried out by this Amendment to the SANDAG Joint Powers Agreement (JPA).

On September 12, 1989 the Council approved in concept establishment of the Regional Planning and Growth Management Review Board as envisioned by Proposition C, through amendment to the existing SANDAG JPA.

FILE LOCATION:    --

COUNCIL ACTION:   (Tape location: A600-621.)

MOTION BY McCARTY TO CONTINUE TO FEBRUARY 5, 1990, AT HER REQUEST AND DIRECT THE CITY ATTORNEY TO MEET WITH THE ATTORNEY FOR SANDAG TO WORK OUT ANY CONCERNS THEY MIGHT HAVE. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S501:

(Continued from the meeting of January 16, 1990, Item 331, at Council Member Pratt's request, to amend the language in the PDO.)

1) Matter of rezoning a total of 6.87-acres of property in conformance with the Southeast San Diego Community Plan land use designations. (C-Sheets: C-732E.2, C-732G.1, C-732I.1, and C-732O.1)

a) Rezoning an Encanto site from Zone R1-6000 to Zone SF-6000. The subject property is generally located south of an unnamed street, west and north of Imperial Avenue, east of 69th Street, and is further described as the Toler Addition to Encanto Heights Amended Record of Survey No. 4763, Lots 1-15, Map-1403.

b) Rezoning a Lincoln Park site from Zone CSF-1 and MF-2500 to Zone CSR-1. The subject property is generally located at the northwest and southeast corners

of 47th Street and Imperial Avenue, and is further described as Lemon Garden Acres, Lots 53 through 57 and a portion of Lot 46, Map-1390, and Alta Vista Suburb Tract No. 2, a portion of Lot 1 and Lots 2 through 8, Map-1029.

c) Rezoning a Memorial neighborhood site from Zone CSR-2 and MF-3000 to Zone I-1 (light industrial zone).

The subject property zoned CSR-2 is generally located between 32nd and 33rd Streets, north of National Avenue to the alley and south of National Avenue to the alley and is further described as Seaman and Choates Addition, Lots 17 through 20, Block 309, and Lots 29 through 32, Block 287, Map-223.

The subject property zoned MF-3000 is generally located between 32nd and 33rd Streets, north of Newton Avenue to the alley and south of Newton Avenue to the I-5 right-of-way, and is further described as Seaman and Choates Addition, Lots 17 through 20, Block 287, and Lots 29 through 32, Block 288, Map-223; and

d) Rezoning a Southcrest site from Zone MF-1500 to Zone MF-2500. The subject property is generally located south of Logan Avenue and west of 45th Street, and is further described as Caruther's Addition, portion of Lot 3, Map-27.

2) Incorporating the Sherman Heights Historic District into the Southeast San Diego Planned District Ordinance and rescinding the Sherman Heights Historic District Ordinance. Amending the Sherman Heights Historic District Design Criteria and Guidelines, Ordinance No. 00-16892-2 to become the Sherman Heights and Grant Hill Park Historic District Guidelines and Criteria.

3) Revising the Southeast San Diego Planned District Ordinance, amending Divisions 17 and 18, Sections 103.1700 through 103.1707 and 103.1800 through 103.1809 of the San Diego Municipal Code.

The Southeast San Diego area encompasses approximately 7,100 acres and is located south of State Highway 94, east of I-5, north of National City and Plaza Boulevard and west of Woodman and 69th Streets. The proposed revisions are in conformance with the adopted Southeast San Diego Community Plan.

(Districts-3, 4 and 8.)

Subitem-A: (O-90-90) INTRODUCED, TO BE ADOPTED ON  
FEBRUARY 5, 1990

Introduction of an Ordinance for SF-6000 Zoning in the



Encanto neighborhood; CSR Zoning in the Lincoln Park neighborhood; I-1 Zoning in the Memorial neighborhood; and MF-2500 Zoning in the Southcrest neighborhood, all located in the Southeast Planned District.

Subitem-B: (O-90-105) INTRODUCED, TO BE ADOPTED ON  
FEBRUARY 5, 1990

Introduction of an Ordinance amending the Sherman Heights Historic District Design Criteria and Guidelines to become the Sherman Heights and Grant Hill Park Historic District.

Subitem-C: (O-90-89) INTRODUCED, TO BE ADOPTED ON  
FEBRUARY 5, 1990

Introduction of an Ordinance amending the San Diego Municipal Code as it relates to the Sherman Heights Historic District and the Southeast San Diego Planned District Ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: F149-182.)

Hearing began at 4:32 p.m. and halted at 4:35 p.m.

MOTION BY FILNER TO APPROVE THE ITEM AND TO ACCEPT COUNCIL MEMBER PRATT'S DIRECTION TO THE PLANNING DEPARTMENT TO REVIEW THE MINISTERIAL PERMIT PROCESSING OF ONE THROUGH THREE RESIDENTIAL UNITS AND SUBMIT A REPORT FOR THE PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION ONE YEAR FROM THE DATE OF THE ADOPTION OF THESE PROPOSED REVISIONS TO THE SOUTHEAST SAN DIEGO PLANNED DISTRICT ORDINANCE. ADDITIONALLY, THE PLANNING DEPARTMENT WILL COMBINE WITH THIS REPORT A STUDY OF CHANGES TO THE ORDINANCE REQUIRED TO INCLUDE MIXED USES IN

COMMERCIAL ZONES IN THE PLANNED DISTRICT, PARTICULARLY ALONG IMPERIAL AVENUE, COMMERCIAL STREET, MARKET STREET AND NATIONAL AVENUE. Second by Bernhardt. Passed by the following vote:  
Wolfsheimer-yea, Roberts-yea, Hartley-ineligible, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S502: (R-90-1040) ADOPTED AS RESOLUTION R-275045

(Continued from the meeting of January 16, 1990, Item 339, at Council Member Filner's request, for further review.)  
Considering a cooperation agreement between the Agency and County for nine additional Superior Courtrooms.

(Centre City Community Area. District-8.)

FILE LOCATION: MEET CONT FY90-1

COUNCIL ACTION: (Tape location: F385-420.)

MOTION BY FILNER TO APPROVE THE ITEM AND TO ADOPT THE FINDINGS  
RELATIVE TO THE USE OF REDEVELOPMENT FUNDS FOR THE COURT.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,  
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor  
O'Connor-not present.

ITEM-CS-1: (R-90-1116) ADOPTED AS RESOLUTION R-275036

A Resolution adopted by the City Council in Closed Session  
on January 23, 1990:

Authorizing and empowering the City Manager to pay the sum  
of \$29,132.77 in settlement of each and every claim against  
the City of San Diego, its agents and employees resulting  
from property damage to Clairemont Lutheran Church;  
authorizing the City Auditor and Comptroller to issue one  
check in the amount of \$29,132.77 made payable to Luce and  
Turley Inc. in full settlement of all claims.

Aud. Cert. 9000681

FILE LOCATION: MEET

ITEM-CS-2: (R-90-1132) ADOPTED AS RESOLUTION R-275037

A Resolution adopted by the City Council in Closed Session  
on January 23, 1990:

Authorizing the City Manager to pay the sum of \$79,750 in  
the settlement of each and every claim against the City of  
San Diego, its agents and employees, in Superior Court Case  
No. 597159, Bostater v. City of San Diego, et al.,  
resulting from the personal injuries to Timothy G.  
Bostater; authorizing the City Auditor and Comptroller to  
issue one check in the amount of \$79,750 made payable to  
Timothy G. Bostater and his attorney, Thomas P. Nugent, in  
full settlement of all claims.

Aud. Cert. 9000642

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent, Deputy Mayor Wolfsheimer adjourned the meeting at 4:35 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G188-189).